

## Section IV.14B

## PROFESSIONAL STANDARDS SUMMARY REPORT FORMS

Agency: Berkeley Heights

County: Union

Reporting Year: 2020

TABLE 1 -- COMPLAINTS FILED

Type of Complaint	Anonymous Complaints	Citizen Complaints	Agency Complaints	Total Complaints
Excessive Force	0	0	0	0
Improper Arrest	0	0	0	0
Improper Entry	0	0	0	0
Improper Search	0	0	0	0
Other Criminal Violation	0	0	0	0
Differential Treatment	0	1	0	1
Demeanor	0	1	0	1
Domestic Violence	0	0	0	0
Other Rule Violation	0	2	5	7
<b>TOTAL</b>	0	4	5	9

Revised 2011

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TABLE 2 -- AGENCY DISPOSITIONS

	Sustained	Exonerated	Not Sustained	Unfounded	Administratively Closed	Total Dispositions
Excessive Force	0	0	0	0	0	0
Improper Arrest	0	0	0	0	0	0
Improper Entry	0	0	0	0	0	0
Improper Search	0	0	0	0	0	0
Other Criminal Violation	0	0	0	0	0	0
	0	1	0	0	0	1

Differential Treatment						
Demeanor	1	0	0	0	0	1
Domestic Violence	0	0	0	0	0	0
Other Rule Violation	4	3	0	0	0	7
<b>TOTAL</b>	5	4	0	0	0	9

*Revised 2011*

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**TABLE 3 -- COURT DISPOSITIONS**

<b>Court</b>	<b>Cases Dismissed</b>	<b>Cases Diverted</b>	<b>Acquittals</b>	<b>Convictions</b>
<b>Municipal Court</b>	0	0	0	0
<b>Superior Court</b>	0	0	0	0
<b>TOTAL</b>	0	0	0	0

*Revised 2011*

## 2020 PROFESSIONAL STANDARDS EXECUTIVE SUMMARY

### UNION COUNTY

The following report contains a statistical summary for reports of police misconduct in Berkeley Heights County for 2020. In addition, the report provides statistics for the disposition of those complaints. A review of the report and a comparison of this report with the reports prepared in prior years reveals the following:

(Instructions: Each County Prosecutor's Office shall prepare a written narrative concerning its review and analysis of the statistical reports filed by each law enforcement agency within its jurisdiction. Suggested topics shall include but are not limited to the topics below.)

- (a) number of complaints filed

- (b) number of complaints disposed
- (c) criminal dispositions
- (d) administrative dispositions
- (e) trends
- (f) a brief synopsis of all complaints where a fine or suspension of ten days or more was assessed to a member of the agency. The synopsis shall not contain the identities of the officers or complainants. However, it should briefly outline the nature of the transgression and the fine or suspension imposed. An example of a synopsis may be found in Appendix V.
- (g) conclusions
- (h) recommendations / goals for new calendar year

**Notes:**

- 1) Counting method: In cases where more than one complaint has been filed against an officer with respect to a single incident, only the most serious complaint is counted for purposes of the report. Similarly, with respect to dispositions, only the most serious complaint that has been substantiated against an officer is counted for purposes of the report.
- 2) There is some disparity between law enforcement agencies concerning the types of investigations that are referred to and conducted by professional standards units. For example, while all units are expected to investigate complaints of police misconduct, some units may be called upon to investigate all motor vehicle accidents involving a police vehicle whether or not there is any allegation of misconduct. The varying responsibilities of the units may impact the statistics that are reported by the agencies at the close of the calendar year.
- 3) Anonymous complaints: This category includes all complaints in which the identity of the complainant is not disclosed, including those in which the nature of the complaint may lead an agency to believe it is from an internal source, but the name of the source is not disclosed.
- 4) Citizen complaints: This category includes all complaints filed by members of the public or other agencies or entities.

- 5) Agency complaints: This category includes all complaints generated by supervisors or other members of a law enforcement agency.
- 6) Municipal Court dispositions: This category includes all dispositions of all municipal ordinance violations, DUI offenses, petty disorderly persons offenses, disorderly persons offense or criminal complaints. Dispositions may include on-duty and off-duty conduct. This category does not include other traffic offenses. Criminal charges related to domestic violence incidents are included, but civil restraining orders should not be reported.
- 7) Superior Court dispositions: This category includes all criminal dispositions naming a law enforcement officer for conduct that occurred either on-duty or off-duty.
- 8) Diversions: This category includes conditional discharges and similar programs available in municipal court. In Superior court, this category refers to pre-trial intervention and similar programs.

## **Definitions**

### **Reporting Year**

For all three tables, the reporting year is the calendar year, January 1st through December 31st. Events reported should have occurred during the reporting year. It is understood that not all complaints filed will have a disposition during the same reporting year and that the number of dispositions will not equal the number of complaints filed.

### **Complaints**

The unit of measurement for this chart is the complaint. A "complaint" is defined as a single incident and the officer involved. If there are multiple officers involved in a situation, each officer who had a complaint filed against him or her is to be counted separately for the purposes of this report.

Each complaint is to be classified as one of the eight types of complaints outlined below. Their order, from top to bottom on the left hand column of the report form, reflect their relative seriousness. Should an officer have more than one type of complaint filed arising from the same incident, record the disposition in the complaint category which represent the most serious charge. Only one disposition and one type of complaint should be reported for each case.

Disposition is defined as any complaint which includes a conclusion of fact of sustained criminal, sustained rule violation, exonerated, not sustained or unfounded, notwithstanding that further events, such as a court case in sustained criminal complaints, may be necessary to formalize closure.

### **Types of Complaints**

The complaint type categories are:

#### **1. Excessive Force**

Complaint regarding the use or threatened use of excessive force against a person.

#### **2. Improper Arrest**

Complaint that the restraint of a person's liberty was improper or unjust, or violated the person's civil rights.

#### **3. Improper Entry**

Complaint that entry into a building or onto property was improper or that excessive force was used against property to gain entry.

#### **4. Improper Search**

Complaint that the search of a person or property was improper, unjust, violated established agency procedures, or violated the person's civil rights.

**5. Other Criminal Violation**

Complaint regarding the commission of an illegal act not specified elsewhere.

**6. Differential Treatment**

Complaint that the taking, failure to take, or method of police action was predicated upon irrelevant factors such as race, appearance, age, or sex.

**7. Demeanor**

Complaint that a department member's bearing, gestures, language or other actions were inappropriate.

**8. Domestic Violence**

Complaint that a department member violated the provisions of *N.J.S.A. 2C:25-17 et seq.* This category is not limited to cases in which a criminal or disorderly persons complaint is filed or a temporary or final restraining order is issued.

**9. Other Rule Violation**

Complaint for conduct which violates agency rules, but is not specified above. This includes conduct such as insubordination, drunkenness on duty, sleeping on duty, neglect of duty, false statements or malingering, untidiness, tardiness, faulty driving, or failure to follow procedures.

**Manner of Disposition**

The disposition categories are:

**1. Sustained**

The investigation disclosed sufficient evidence to prove the allegation by a preponderance of the evidence.

**2. Exonerated**

The alleged incident did occur, but the actions of the officer were justified, legal and proper.

**3. Not Sustained**

The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

**4. Unfounded**

The alleged incident did not occur.

**5. Administratively Closed**

In some cases, the complaint or investigation is closed prior to reaching a disposition. These should be counted as "Administratively Closed." Examples include situations when a complainant voluntarily requests that a complaint be withdrawn, or the subject officer terminates

his or her employment prior to disposition of the complaint.

